

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

**BOBBY D. PHILIPS,**

**Plaintiff,**

**v.**

**CENTRAL FINANCIAL CONTROL,**

**Defendant.**

§  
§  
§  
§  
§  
§  
§  
§  
§

**Case No. 2:17-cv-02011-RDP**

**MOVANT, CENTRAL FINANCIAL CONTROL’S,  
MOTION FOR JUDGMENT ON THE PLEADINGS**

Movant Defendant, Syndicated Office Systems, LLC *d/b/a* Central Financial Control (CFC), through counsel and under Federal Rule of Civil Procedure 12(c), hereby submits its Motion for Judgment on the Pleadings and Brief in Support, seeking a dismissal with prejudice of the Complaint filed by plaintiff, Bobby D. Philips (plaintiff), and states:

1. On December 1, 2017, plaintiff filed his class action Complaint alleging CFC violated § 1692g(a)(2) of the Fair Debt Collection Practices Act (FDCPA), 15 U.S.C. § 1692, *et seq.*, by sending him a collection letter regarding a medical debt wherein CFC “fail[ed] to properly inform [plaintiff] of the identity of the original creditor.” (Doc. 1, p. 6, ¶ 34.) Specifically, plaintiff alleges CFC improperly referred to Brookwood Medical Center as the “Facility” instead of the “Creditor.” *Id.* at p. 2, ¶ 10.

2. As discussed more fully in CFC’s Brief filed contemporaneously herewith, plaintiff’s claim fails as a matter of law. *See* 15 U.S.C. § 1692g(a)(2); *Lait v. Medical Data Sys., Inc.*, No. 1:17-CV-378, 2018 WL 1990513, \*5 (M.D. Ala. April 26, 2018) (Watkins, C.J.), *reconsideration denied*, No. 1:17-CV-378-WKW, 2018 WL 1973269 (M.D. Ala. Apr. 26, 2018),

*appeal docketed*, No. 18-12255-F (11th Cir. May 25, 2018). Accordingly, plaintiff's claim must be dismissed with prejudice.

WHEREFORE, CFC respectfully requests that this Court grant its Motion for Judgment on the Pleadings, dismiss plaintiff's Complaint with prejudice, and for such other relief to which CFC has shown itself justly entitled.

Respectfully submitted,

/s/ Whitney L. White

Whitney L. White

TX Bar No. 24075269

Sessions, Fishman, Nathan & Israel, LLC

900 Jackson Street, Suite 440

Dallas, TX 75202

Telephone: (214) 741-3001

Facsimile: (214) 741-3055

Email: [wwhite@sessions.legal](mailto:wwhite@sessions.legal)

Laura C. Nettles

AL Bar No. 5805-5631

Lloyd, Gray, Whitehead & Monroe, P.C.

880 Montclair Road, Suite 100

Birmingham, AL 35213

Telephone: (205) 967-8822

Facsimile: (205) 967-2380

Email: [lnettles@lgwmlaw.com](mailto:lnettles@lgwmlaw.com)

*Attorneys for Defendant*

**CERTIFICATE OF SERVICE**

I hereby certify that on June 13, 2018, a copy of the foregoing was electronically filed with the Clerk of the Court, United States District Court for the Northern District of Alabama and served via CM/ECF upon the following:

Curtis R. Hussey  
Hussey Law Firm, LLC  
10 N. Section Street, No. 122  
Fairhope, AL 36532  
Telephone: (251) 928-1423  
Facsimile: (866) 317-2674  
Email: gulfcoastadr@gmail.com

Daniel Zemel, Esq.  
Zemel Law LLC  
1373 Broad Street, Suite 203-C  
Clifton, NJ 07013  
Telephone: (862) 227-3106  
Email: dz@zemellawllc.com

/s/ Whitney L. White  
Whitney L. White